



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels, Jr.*  
Governor

*Thomas W. Easterly*  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

September 15, 2010

Mr. David R. Foertsch  
Lewis Dock Corporation  
P.O. Box 16  
Lamar, Indiana 47550

Dear Mr. Foertsch:

Re: NPDES General Permit No. ING040209  
IDNR Permit No. N/A  
Lewis Dock Corporation  
County Road 550 West  
Jasonville, Indiana  
Clay County

Our office has received your Notice of Intent (NOI) submittal in regards to the above-referenced facility. We are pleased to inform you that the submittal is sufficient to comply with the NOI requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities. The general permit rule requirements are contained in 327 IAC 15-1 through 15-4 and 15-7.

The NPDES general permit identification number assigned to this facility in the previous approval will be used again in this approval. This number will be used as an identification number and should be included on all correspondence submitted to IDEM in relation to this NPDES general permit. The NPDES general permit number which has been assigned to this facility is:

**ING040209.**

Due to the fact that 327 IAC 15-7 is a permit by rule, you will NOT be receiving an actual permit. However you will be responsible for following the general rule requirements contained in 327 IAC 15-1 through 15-4 and 15-7, which were sent to you with your original approval letter. Included in general permit rule 327 IAC 15-7 is the requirement for periodic reporting of several effluent parameters. This reporting will continue to be required using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following website:

<http://www.in.gov/idem/5104.htm>

327 IAC 15 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Mr. David Foertsch

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Additionally, you will soon be receiving a supply of the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317/232-8670.

Renewal of coverage for the facility will include all outfalls listed on Attachment 1 to this correspondence. Since the expiration date of IDEM's previous approval of your facility to operate under 327 IAC 15-7 is October 31, 2010, this renewal of coverage under 327 IAC 15-7 shall become effective on **November 1, 2010**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under this general permit rule expires on October 31, 2015. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by this acceptance for coverage under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this acceptance for coverage with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

Please note that in accordance with 327 IAC 15-7-5(c), IDEM shall public notice its decision to accept your facility for coverage under the general permit rule.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our staff at 317/ 232-8703.

Sincerely,



Catherine Hess, Chief  
Permits Administration Section  
Office of Water Quality

Slj/  
Attachment

cc: Clay County Health Department  
IDNR, Division of Reclamation

ATTACHMENT 1

**Lewis Dock Corporation**

NPDES PERMIT NO. ING040209

EFFECTIVE DATE: November 1, 2010

IDNR PERMIT NUMBER N/A

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
001	N/A	39°, 10', 48"	87°, 13', 00"	Alkaline	Unnamed tributary to Wabash- Erie Canal

The following outfalls have been removed and are no longer covered under this permit:

002	N/A	39°, 10', 37.7"	87°, 12', 32.2"	Outfall never constructed	Unnamed tributary to Wabash- Erie Canal
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STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**PUBLIC NOTICE NO. 2010 – 9D -GP**

**DATE OF NOTICE: September 15, 2010**

The Office of Water Quality issues the following NPDES GENERAL PERMIT.

**RENEWAL**

**LEWIS DOCK CORPORATION**, Permit No. ING040209, CLAY COUNTY, Jasonville, IN. This facility will discharge non-process wastewater to an unnamed tributary to Wabash-Erie Canal. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

**PROCEDURES TO APPEAL**

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

**Appeal Procedure:** Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication **within** eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

**Timely filing:** The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) **within** 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:  
**Phone: 317/232-8591.**

Environmental Law Judge  
Office of Environmental Adjudication  
IGC – North Building- Rm 501  
100 N. Senate Avenue  
Indianapolis IN 46204

**Stay Time frame:** If the Petition (s) is filed **within** eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

**Hearing Notification:** Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.





I. PURPOSE OF SUBMITTAL			
I am submitting this application for a General Permit under 327 IAC 15-7 for the purpose of:			
<input type="checkbox"/> Discharge of pollutants from a point source into navigable waters.	<input type="checkbox"/> Discharge of pollutants from a nonpoint source into navigable waters.	<input type="checkbox"/> Discharge of pollutants from a point source into navigable waters.	<input type="checkbox"/> Discharge of pollutants from a nonpoint source into navigable waters.
<input type="checkbox"/> Discharge of pollutants from a point source into navigable waters.	<input type="checkbox"/> Discharge of pollutants from a nonpoint source into navigable waters.	<input checked="" type="checkbox"/> Discharge of pollutants from a point source into navigable waters.	<input type="checkbox"/> Discharge of pollutants from a nonpoint source into navigable waters.
Facility ID: <b>ING 040209</b>			

II. GENERAL INFORMATION						
Name of the person or company who has been designated as the responsible corporate officer for the facility:						
Mark A. Saalman, Geologist			1221		Clay	
N/A			Clay		N/A	
III. COMPANY AND COMPLETE MAILING ADDRESS				IV. LATITUDE AND LONGITUDE OF FACILITY		
COMPANY NAME Lewis Dock Corporation				Latitude		Longitude
STREET ADDRESS P.O. Box 16				degree 39°	minute 10'	second 46"
CITY Lamar				degree 87°	minute 12'	second 57"
STATE IN				ZIP CODE 47550		
V. FACILITY MAILING ADDRESS				VI. TOWNSHIP, RANGE, SECTION, QUARTERSECTION		
STREET ADDRESS P.O. Box 16				Township 9N		
CITY Lamar				Range 7W		
STATE IN				Section 32		
ZIP CODE 47550				Quartersection SE 1/4, NW 1/4		
VII. FACILITY MAILING ADDRESS				VIII. COUNTY ROAD ADDRESS		
STREET ADDRESS P.O. Box 16				STREET ADDRESS County Road 550W		
CITY Lamar				CITY Jasonville		
STATE IN				STATE IN		
ZIP CODE 47550				ZIP CODE 47438		

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
I, the undersigned, being duly sworn, depose and say that I am the responsible corporate officer of the facility and am authorized to execute this application.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE David R. Foertsch, Vice President	b. ALTERNATE PERSON TO ANSWER QUESTIONS Mark A. Saalman
c. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE 812-529-8211	d. ALTERNATE PERSON'S TELEPHONE 812-529-8211
e. APPLICANT EMAIL ADDRESS N/A	f. ALTERNATE PERSON'S EMAIL ADDRESS N/A

IV. CONTACT INFORMATION OTHER:			
DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u> Mark A. Saalman, Lewis Dock Corp.	
a. <u>CONTACT TELEPHONE NUMBER</u> 812-529-8211		d. <u>STREET ADDRESS</u> P.O. Box 16	
b. <u>CONTACT EMAIL ADDRESS</u> N/A		e. <u>CITY</u> Lamar	f. <u>STATE</u> IN g. <u>ZIP CODE</u> 47550
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		j. <u>COMPANY AND CONTACT PERSON NAME</u>	
h. <u>CONTACT TELEPHONE NUMBER</u> as above		k. <u>STREET ADDRESS</u> as above	
i. <u>CONTACT EMAIL ADDRESS</u>		l. <u>CITY</u>	m. <u>STATE</u> n. <u>ZIP CODE</u>
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW) as above		q. <u>COMPANY AND CONTACT PERSON NAME</u>	
o. <u>CONTACT TELEPHONE NUMBER</u>		r. <u>STREET ADDRESS</u>	
p. <u>CONTACT EMAIL ADDRESS</u>		s. <u>CITY</u>	t. <u>STATE</u> u. <u>ZIP CODE</u>

V. RULE QUALIFICATION
<p>The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.</p> <p>Does this facility meet these requirements? (please check one) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.</p> <p>Surface water runoff from the coal yard is influent to basin. Water treatment is incorporated if needed, before discharge.</p>

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS												
a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR IF g is YES name of OPERATOR OF MUNICIPAL STORM SEWER AND WATER IT DISCHARGES TO	
		deg	min	sec	deg	min	sec					
001	na	39	10		48	87	1300	No flow	Alk.	N	Y/N	Trib. Wabash&Erie Canal
											Y/N	
											Y/N	
											Y/N	
											Y/N	
											Y/N	
											Y/N	
											Y/N	



**VII. OUTFALL INFORMATION FOR MODIFICATIONS:** Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDBM OUTFALL NO.	b. DNR BASIN NO.	c. DEL. ADD. or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE. EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.

**VIII. TOPOGRAPHICAL MAP**

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

**IX. PROOF OF PUBLICATION**

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:  
 Office of Environmental Adjudication  
 Indiana Government Center - North  
 100 North Senate Avenue, Room N501  
 Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

**X. POTENTIALLY AFFECTED PERSONS FORM**

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please fill out this form in its entirety and submit it with the application.

**XI. REQUIRED FEES:**

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50, attach to and submit with application.  
Checks or money orders shall be made payable to IDEM.

**XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES**

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: David Phillips, Asst. Dir. 5/3/10

**XIII. CERTIFICATION STATEMENT**

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

David R. Foertsch, Vice President

812-529-8211

Name and official title (type or print)

Area Code and phone No.

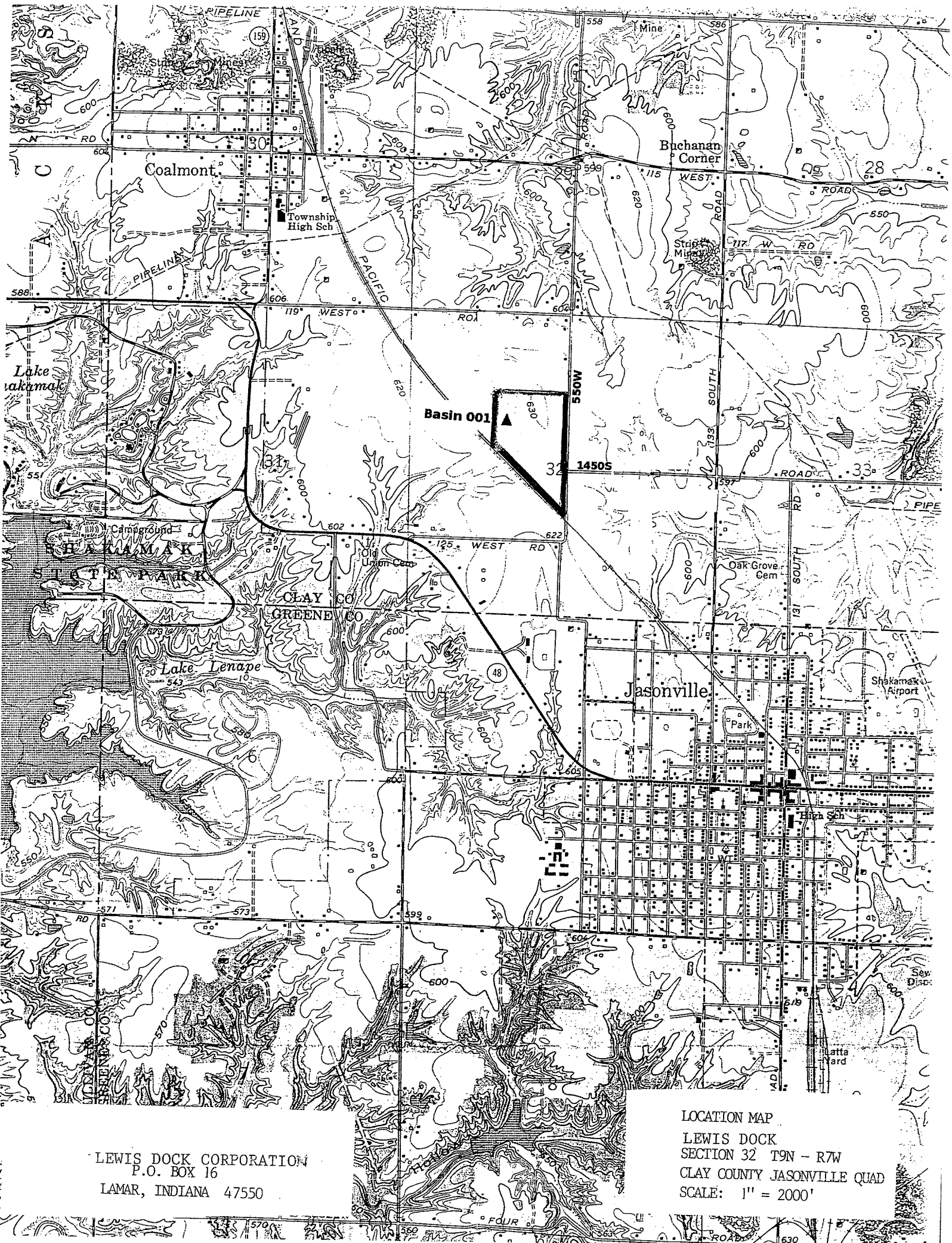
Signature

5/3/2010

Date signed

Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management  
Office of Water Quality – Mail Code 65-42  
NPDES Permits Section  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251**



LEWIS DOCK CORPORATION  
P.O. BOX 16  
LAMAR, INDIANA 47550

LOCATION MAP  
LEWIS DOCK  
SECTION 32 T9N - R7W  
CLAY COUNTY JASONVILLE QUAD  
SCALE: 1" = 2000'

I have examined the within claim and hereby certify  
Claim No. \_\_\_\_\_ as follows:

That it is in proper form.

That it is duly authenticated as required by law.

That it is based upon statutory authority.

correct

That it is apparently

incorrect

On \_\_\_\_\_

I certify that the within claim is true and correct;  
that the services there in itemized and for which  
charge is made were ordered by me and were  
ordered by me and were necessary to the public  
business

\_\_\_\_\_

All \_\_\_\_\_

*Edie Burgess*

*April 26<sup>th</sup>, 2010*

See table of legal rates in the applicable State Board of Accounts Bulletin

#### PUBLIC NOTICE

Lewis Dock Corporation, P.O. Box 16, Lamar, Indiana 47550 is submitting a Notice of Intent letter notifying the Indiana Department of Environmental Management of our intent to renew the NPDES permit and further comply with the requirement under 327 IAC 15-7 to discharge wastewater into tributaries of the Wabash-Erie Canal as associated with the mining of coal, coal processing/loading and/or reclamation activities at the Lewis Dock facility located along Clay County Road 550W approximately one-half mile north-west of Jasonville, Indiana. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:  
Office of Environmental Adjudication  
Indiana Government Center-North  
100 North Senate Avenue, Room N501  
Indianapolis, IN 46204

4-24-11